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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/732,993 | 12/11/2003 | Kathryn M. Spurgcon | 58980US002 | 8280 |
| 32692 | 7590 | 11/19/2007 | | |
| 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427 | | | | |
| | | | EXAMINER VARGOT, MATHIEU D | |
| | | | ART UNIT 1791 | PAPER NUMBER |
| | | | NOTIFICATION DATE 11/19/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
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Office Action Summary

Application No.

10/732,993

Applicant(s)

SPURGEON ET AL.

Examiner

Mathieu D. Vargot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Karszes (see Fig. 1) for reasons of record.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8, 9 and 10-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karszes for reasons of record.

3. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karszes in view of Fitzpatrick for reasons of record.

4. Applicant's arguments filed September 18, 2007 have been fully considered but they are not persuasive. Applicant continues to insist that Karszes is not a 102 against the claims rejected under 102 and that it is not even a valid 103 against these claims. However, such is simply not agreed with. The materials are kept in separate reservoirs and individual streams—ie, films—of these materials are sent into a “black box” in which they are combined as a single stream to flow out the die. Clearly, the flows must be pumped out of the individual reservoirs prior to being combined, and this pumping would

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in essence constitute an extrusion. At any rate, this is maintained as at least being “readable” on the instant steps of “extruding a first material to form a first film in a molten state” and “extruding a second material to form a second film in a molten state” (ie, the passage of the molten resins as streams or films along their respective pathways before they reach the black box), maintaining the films in a molten state and “bringing the molten first film proximate the molten second film” (ie, the combination at the black box), with the patterning and solidifying thereafter following. Ie, it is respectfully submitted that the “black box” of the primary reference is in reality a combining die in which the molten flows are positioned next to each other. It is submitted that this is in fact readable on the instant extruding and bringing steps. Again, if such is not readable on the claims, then the claims are clearly obvious thereover. It would **not take any inventive skill** to reconfigure the black box extrusion of Karszes as separate extruders—ie, with separate extrusion nozzle or dies—whereby individual films would be extruded and then combined. Clearly, the flows in Karszes are maintained as molten at least until they leave the final die. There simply is no reason why one of ordinary skill in this art would not have modified the extrusion arrangement of Karszes to the more typical dual or multiple extruder arrangement generally set forth in the instant claims and argued by applicant, although not specifically recited (ie, there is no recitation to separate extruders, but merely extruding steps). Clearly, pumping separate streams so that they combine laterally in a die and then extruding this combined flow out of an extruder nozzle is a mechanical equivalent to employing separate extruders which would extrude separate streams which are then combined,

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either before the final die or after the final die. Again, the instant claims are silent with respect to the exact extrusion arrangement, which nevertheless would not be allowable over Karszes. Hence, if the claims are not anticipated, then they are obvious over the applied art.

5.THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
November 8, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1791
11/8/07